



Rep. Jay Hoffman

Filed: 5/3/2019

10100SB1134ham001

LRB101 06929 LNS 60217 a

1 AMENDMENT TO SENATE BILL 1134

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1134 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by  
5 changing Section 2-206 as follows:

6 (735 ILCS 5/2-206) (from Ch. 110, par. 2-206)

7 Sec. 2-206. Service by publication; affidavit; mailing;  
8 certificate.

9 (a) Whenever, in any action affecting property or status  
10 within the jurisdiction of the court, including an action to  
11 obtain the specific performance, reformation, or rescission of  
12 a contract for the conveyance of land, except for an action  
13 brought under Part 15 of Article XV of this Code that are  
14 subject to subsection (a-5), plaintiff or his or her attorney  
15 shall file, at the office of the clerk of the court in which  
16 the action is pending, an affidavit showing that the defendant

1 resides or has gone out of this State, or on due inquiry cannot  
2 be found, or is concealed within this State, so that process  
3 cannot be served upon him or her, and stating the place of  
4 residence of the defendant, if known, or that upon diligent  
5 inquiry his or her place of residence cannot be ascertained,  
6 the clerk shall cause publication to be made in some newspaper  
7 published in the county in which the action is pending. If  
8 there is no newspaper published in that county, then the  
9 publication shall be in a newspaper published in an adjoining  
10 county in this State, having a circulation in the county in  
11 which action is pending. The publication shall contain notice  
12 of the pendency of the action, the title of the court, the  
13 title of the case, showing the names of the first named  
14 plaintiff and the first named defendant, the number of the  
15 case, the names of the parties to be served by publication, and  
16 the date on or after which default may be entered against such  
17 party. The clerk shall also, within 10 days of the first  
18 publication of the notice, send a copy thereof by mail,  
19 addressed to each defendant whose place of residence is stated  
20 in such affidavit. The certificate of the clerk that he or she  
21 has sent the copy in pursuance of this Section is evidence that  
22 he or she has done so.

23 (a-5) If, in any action brought under Part 15 of Article XV  
24 of this Code, the plaintiff, or his or her attorney, shall  
25 file, at the office of the clerk of the court in which the  
26 action is pending, an affidavit showing that the defendant

1 resides outside of or has left this State, or on due inquiry  
2 cannot be found, or is concealed within this State so that  
3 process cannot be served upon him or her, and stating the place  
4 of residence of the defendant, if known, or that upon diligent  
5 inquiry his or her place of residence cannot be ascertained,  
6 the plaintiff, or his or her representative, shall cause  
7 publication to be made in some newspaper published in the  
8 county in which the action is pending. If there is no newspaper  
9 published in that county, then the publication shall be in a  
10 newspaper published in an adjoining county in this State,  
11 having a circulation in the county in which action is pending.  
12 The publication shall contain notice of the pendency of the  
13 action, the title of the court, the title of the case, showing  
14 the names of the first named plaintiff and the first named  
15 defendant, the number of the case, the names of the parties to  
16 be served by publication, and the date on or after which  
17 default may be entered against such party. It shall be the  
18 non-delegable duty of the clerk of the court, within 10 days of  
19 the first publication of the notice, to send a copy thereof by  
20 mail, addressed to each defendant whose place of residence is  
21 stated in such affidavit. The certificate of the clerk of the  
22 court that he or she has sent the copy in pursuance of this  
23 Section is evidence that he or she has done so.

24 (b) In any action brought by a unit of local government to  
25 cause the demolition, repair, or enclosure of a dangerous and  
26 unsafe or uncompleted or abandoned building, notice by

1 publication under this Section may be commenced during the time  
2 during which attempts are made to locate the defendant for  
3 personal service. In that case, the unit of local government  
4 shall file with the clerk an affidavit stating that the action  
5 meets the requirements of this subsection and that all required  
6 attempts are being made to locate the defendant. Upon the  
7 filing of the affidavit, the clerk shall cause publication to  
8 be made under this Section. Upon completing the attempts to  
9 locate the defendant required by this Section, the municipality  
10 shall file with the clerk an affidavit meeting the requirements  
11 of subsection (a). Service under this subsection shall not be  
12 deemed to have been made until the affidavit is filed and  
13 service by publication in the manner prescribed in subsection  
14 (a) is completed.  
15 (Source: P.A. 87-1276.)".